



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection



California
Environmental
Protection
Agency

March 18, 1997

Integrated
Waste
Management
Board

8800 Cal Center Dr.
Sacramento CA 95826
(916) 255-2200

Dan DeGrassi
Zone Administrator
Central Coast Recycling Market Development Zone
County of Santa Cruz
Department of Public Works
701 Ocean Street, Room 410
Santa Cruz, California 95060

Dear Mr. DeGrassi:

Several months ago, Mr. Bill Worrell, Central Coast Zone Coordinator, requested clarification on whether all the incorporated cities in the four county area be considered participants in the Central Coast Recycling Market Development Zone (CCRMDZ). Mr. Worrell cited several inconsistencies in both the zone designation process as well as information provided through Board publications. In developing this response, my staff has carefully reviewed the original application, and the other related documents for your zone. In addition, during the review of documents and development of this letter, staff worked very closely with the Board's Legal Office. The analysis, which I have described for you below, essentially reveals that in order to provide certainty to each of the zone participants, the California Integrated Waste Management Board (Board) should clarify its original designation to remove any ambiguity that may exist around the inclusion of the incorporated cities. I believe the guidance provided in this letter will provide a reasonable approach and resolution to this situation.

Issues Relating to Inclusion of All Cities

In reviewing the information, three issues arose around the inclusion of all the cities in the zone:

- There was very limited information provided on the inclusion of the cities that were not considered as co-applicants. In support of inclusion, certain parts of the application included brief references to

3-6



the participation of all cities, and some of the cities' resolutions indicated clear intention to be part of the zone. On the other hand, there was no indication in any of the supporting documentation that the co-applicants were given specific authority to apply or act on behalf of the cities that were not co-applicants.

- There appeared to be two levels of involvement for cities: 1) those designated as "Participating Jurisdictions" who were actively involved in zone activities, and 2) those that appeared to support the idea of the zone or lend some support to the zone but did not demonstrate specific intent to participate in the zone. For the latter group of cities, both their role in implementing the zone program and, more specifically, their relationship to the zone administrative body structure created by the MOU seemed unclear.
- There was little information in the original application or on attached maps that clearly identified RMDZ areas for those incorporated cities who were not co-applicants.

Method to Resolve Issues

To clarify the issues relating to cities that are not specifically identified as co-applicants, Board staff recommends that each of these cities adopt a clarifying resolution which includes the following;

- A clear statement of their intent to be included as a "Participating Jurisdiction" in the zone as well as a statement that they agree to the established zone structure.
- The designation of RMDZ areas, either by narrative description or mapping, for their jurisdiction.

The Board's Legal Office has prepared a model resolution which could be used by the incorporated cities to expedite their process. Legal staff have also offered to explain to the cities the need for these clarifying resolutions. I am also offering the support of the Zone Assistance section staff, as well as myself, in explaining the program and its benefits to the cities.

Steps for Completing the Process

Once all of the resolutions for the incorporated cities are adopted, please forward them to John Blue for further processing. Once received, they will be calendared for the next available Market Development Committee and Board meetings. These committee and Board items will serve to clarify the actual

zone participants as of zone approval date. The earliest the item could be considered would be May, pending receipt of the resolutions and allowing sufficient time for processing the agenda items.

This would seem an opportune time to clarify to the participants their role in the Zone now that the Legislature has extended the loan program through 2006, and sufficient funds are available for loans. This housekeeping action could quickly pave the way for additional jurisdictions in your four county area to benefit from the Board's RMDZ program.

I look forward to working with you and your other zone partners in getting this issue clarified as soon as possible. If you have any questions or need any assistance, please call me at (916) 255-2320 or Mr. John Blue at (916) 255-2451.

Sincerely,



Caren Trgovcich, Deputy Director
Waste Prevention & Market Development

Attachment: Model Resolution

cc: Mr. Kurt Hunter
County of Monterey

Ms. Mary Whittlesey
San Luis Obispo County

Mr. Bill Worrell
San Luis Obispo County

Ms. Diane Sheeley
City of El Paso Del Robles

Mr. Clay Lee
City of Hollister

Mr. Richard Koch
City of Watsonville

Mr. Dan E. Holsapple
San Benito County

Mr. John Blue, CIWMB